

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DISTRICT

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	
)	
MARK PALMER,)	No. 4:14CR00175 AGF
SAMUEL LEINICKE, and)	
CHARLES WOLFE,)	
)	
Defendants.)	

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	
)	
CHARLES WOLFE,)	No. 4:14CR00152 RWS
)	
)	
Defendant.)	

**GOVERNMENT'S NOTICE OF INTENT AND MOTION IN LIMINE
TO ADMIT SELF-AUTHENTICATING RECORDS**

COMES NOW the United States of America, by and through its attorneys, Carrie Costantin, Acting United States Attorney for the Eastern District of Missouri, and James C. Delworth, Erin O. Granger, and Jennifer A. Winfield, Assistant United States Attorneys for said District, hereby gives notice that it intends to introduce evidence pursuant to Fed. R. Evid. 902(11).

The Federal Rules of Evidence allow for business records to be admitted in evidence at trial without a custodian of records testifying about their authenticity. Federal Rule of Evidence 902 reads, in pertinent part:

(11) Certified Domestic Records of Regularly Conducted Activity – The original or a duplicate of a record of regularly conducted activity that would be admissible under Rule 803(6) if accompanied by a written declaration of its custodian or other qualified person . . . certifying that the record –

(A) was made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of those matters;

(B) was kept in the course of regularly conducted activity; and

(C) was made by the regularly conducted activity as a regular practice.

A party intending to offer a record into evidence under this paragraph must provide written notice of that intention to all adverse parties, and must make the record and declaration available for inspection sufficiently in advance of their offer into evidence to provide an adverse party with a fair opportunity to challenge them.

Fed. R. Evid. 902(11).

Pursuant to the notification requirement set for this in Fed. R. Evid. 902(11), the government hereby gives notice of its intention to admit at trial, business records provided by the Custodian of Records for:

1. American International Biotechnology, LLC (a/k/a AI Biotech, LLC)
2. Ameristar Casino St. Charles, Inc.
3. Bank of America, N.A.
4. First Bank
5. Gateway Metro Federal Credit Union
6. Google
7. Kaskaskia Valley Community Credit Union
8. Metro Title & Escrow Company
9. PNC Bank, N.A.
10. Resident Agent of Nevada, Inc.
11. Southern Illinois Title Insurance Services, Inc.
12. State of Florida—Department of State
13. State of Missouri—Secretary of State

14. State of Indiana—Secretary of State
15. UPS Store #0324
16. UPS Store #0614
17. UPS Store #0869
18. UPS Store #0892
19. UPS Store #2785
20. UPS Store #2855
21. UPS Store #2863
22. UPS Store #2975
23. UPS Store #3395
24. UPS Store #3420
25. UPS Store #5369
26. Vantage Credit Union
27. Yahoo! Inc.

relative to records subpoenaed and obtained via search warrants for information for the co-defendants in the above styled causes.

These records reveal (1) financial/purchase records/screenshots/account transactions/etc. from Bank of America, N.A. Gateway Metro Federal Credit Union, Vantage Credit Union, Kaskaskia Valley Community Credit Union and PNC Bank, N.A. (2) subscriber/email information from Google and Yahoo! Inc., (3) articles of incorporation for business entities in the states of Florida, Indiana and Missouri, (4) lab reports, correspondence and billing information between various businesses/individuals and AI Biotech, LLC, (5) records and shipment and delivery information generated regarding individuals/accounts held with UPS stores (6) closing records for real estate purchased by defendant Mark Palmer closed through Metro Title & Escrow Company and Southern Illinois Title Insurance Services, Inc. (7) Business registration records from Resident Agents of Nevada, and (8) casino records from Ameristar Casino.

The Custodian of Record for each aforementioned entity has provided these records, accompanied by a Certification attesting to the following:

- that the records were made at or near the time of the occurrence of the matters set forth therein, by or from information transmitted by, a person with knowledge of those matters;
- that the records were kept in the course of regularly conducted business activity; and
- that the records were made by the regularly conducted business activity as a regular practice.

Each declaration clearly contains all of the information and requirements proscribed by Fed. R. Evid. 902(11). Therefore, extrinsic evidence of authenticity is not required as a condition precedent to the admissibility of these records. Fed. R. Evid. 902.

CONCLUSION

For the foregoing reasons, the government respectfully requests that this Court issue an order *in limine* permitting the introduction of business records provided by the aforementioned entities listed above.

Respectfully submitted,

CARRIE COSTANTIN
Acting United States Attorney

/s/ Jennifer A. Winfield
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CERTIFICATE OF SERVICE

I hereby certify that on August 14, 2017, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon all counsel of record.

/s/ Jennifer A. Winfield
JENNIFER A. WINFIELD, #53350MO
Assistant United States Attorney